# A2 Greenhill AC

## 1

#### Thus, the standard is consistency with the omnilateral will. Additionally –

#### omitted

#### Contention:

#### Equal freedom requires restricting hate speech and harassment.

Helga Varden 10, Associate professor of philosophy, associate professor of gender studies at the University of Illinois. Varden’s main research interests are in legal, political, and feminist philosophy, with an emphasis on the Kantian and the Lockean traditions. She has published on a range of classical philosophical issues, currently the co-president for the Society for the Philosophy of Sex and Love and the Vice-President of the North American Kant Society. “A Kantian Conception of Free Speech” 2010. SA-IB

On the Kantian view I have been developing, hate speech and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they track the state’s historical and current inability to provide some group(s) of citizens with rightful conditions of interaction. This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed, and thus vulnerable, are secured, then it is within its rightful powers to legally regulate speech and harassment to improve its ability to do so. By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal. Therefore, whether or not any instance of speech actually achieves insult is inconsequential, for that is not the justification for the state’s right to outlaw it. Rather, laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why certain kinds and circumstances of speech and harassment can and should be outlawed and why public law, rather than private law, is the proper means for doing so. Determining which types and how it should be banned’

## 2

#### Public colleges and universities in the United States ought to only restrict constitutionally protected speech in order to grant survivors of sexual harassment control over information disseminated in school newspapers about the details of sexual harassment cases.

Tyler-March 16 Mary, reporter at the Student Press Law Center, an advocate for student First Amendment rights, for freedom of online speech, and for open government on campus. The SPLC provides information, training and legal assistance at no charge to student journalists and the educators who work with them. “University of Kentucky victims seek to join lawsuit against student newspaper” November 17, 2016. SA-IB 12/22/16

KENTUCKY—Two of the [survivors] ~~victims~~ reportedly detailed in a sexual assault and harassment investigation at the University of Kentucky are seeking to join the university in its lawsuit against the school’s student newspaper. The case follows a months-long open records battle between the university and its independent student newspaper, the Kentucky Kernel, over documents relating to sexual misconduct accusations against former associate professor, James Harwood. The [survivors] ~~victims~~, labeled Jane Doe 1 and Jane Doe 2 in a brief filed Monday in Fayette Circuit Court, say that news stories covering the case have already sufficiently informed the public about Harwood and his reported sexual misconduct. “Although the [survivor] ~~victims~~ believe that sufficient information should be disclosed to warn about Harwood’s actions (facts that are now publicly known), the [survivors] ~~victims~~ adamantly oppose the disclosure of additional highly personal records about them that may lead the media or other interested persons to discover their identities,” the brief says. “As the media’s interest in the victims’ story has persisted, the line between the laudable goal of transparency and the blatant invasion of privacy has been crossed.” Tom Miller, the Kernel’s attorney, said he will oppose the motion, but it will likely pass at the discretion of the judge. In an objection filed Tuesday, Miller wrote that the motion involves a question strictly of law and whether the records were public records — not necessarily a matter of who was impacted. “There is neither any basis nor necessity for granting what is effectively a motion to intervene,” he wrote. In the brief, Miller also noted concerns surrounding a potential conflict of interest between the victims’ attorney and the University of Kentucky. The victims, according to the Lexington Herald Leader, are being represented for free by Daniel A. Cohen, an Atlanta-based attorney with the Washington law firm Baker Donelson. Cohen specializes in assisting universities with Title IX and campus sexual assault investigations. The firm, the brief notes, also represents the University of Kentucky, though information regarding the university and the firm’s ties appeared to have been removed from Baker Donelson’s website just prior to Miller’s filing of the motion. The brief cites a July 2015 Ethics Reporter issued by the Kentucky Legislative Ethics Commission which found that the UK Research Foundation had ended a nine-month, $108,000 lobbying contract with Baker Donelson. According to the Center for Responsive Politics, the university paid Baker Donelson $50,000 in 2015 for lobbying efforts done on behalf of UK. Cohen did not respond to requests for comment. While Miller says the university is already ably represented, UK spokesperson Jay Blanton said he supported the victims’ motion to join the suit. “The university’s steadfast belief has been — and continues to be — that only victim-survivors should be able to choose when, how much, or even if to tell their stories,” he said in an email to the Student Press Law Center. “We hope the Office of the Attorney General and the Kernel will agree with this motion, which is customary in cases like these, to allow the voices of victim-survivors to be heard in this case. We should all want to hear their stories — directly from them in an unfiltered manner of their choosing. That has always been what is at stake in this litigation.”

#### Restrictions on student journalists violate the first amendment.

Schuman 16 Rebecca, columnist for Slate and the author of Schadenfreude, A Love Story and Kafka and Wittgenstein. “Student Journalists Are Under Threat: Universities are increasingly cracking down on their speech. That’s bad news for them and very bad news for democracy.” December 08, 2016. SA-IB 12/22/16

Well, here’s some great news to cheer you up: **The American student press is under siege**! Apparently, we’ve been too busy blowing gaskets over professor watch lists and “safe spaces” to recognize the actual biggest threat to free speech on college campuses today. According to a new report by the American Association of University Professors, in conjunction with three other nonpartisan free-speech advocacy organizations, a disquieting trend of administrative censorship of student-run media has been spreading quietly across the country—quietly, of course, because according to the report, those censorship efforts have so far been successful. The report finds that recent headlines out of Mount St. Mary’s University, for example, may be “just the tip of a much larger iceberg.” Indeed, “it has become disturbingly routine for student journalists and their advisers to experience overt hostility that threatens their ability to inform the campus community and, in some instances, imperils their careers or the survival of their publications.” The report chronicles more than 20 previously unreported cases of media advisers “suffering some degree of administrative pressure to control, edit, or censor student journalistic content.” Furthermore, this pressure came “from every segment of higher education and from every institutional type: public and private, four-year and two-year, religious and secular.” It gets worse. In many of the cases in the report, administration officials “threatened retaliation against students and advisers not only for coverage critical of the administration but also for otherwise frivolous coverage that the administrators believed placed the institution in an unflattering light,” including an innocuous listicle of the best places to hook up on campus. In many cases, the student publications were subject to prior review from either an adviser who reported directly to the administration or the administration itself. Prior review means getting what’s in your newspaper signed off on by someone up top before it can be published. It is—to use the parlance of my years of professional journalistic training that began with my time as features editor of the Vassar College Miscellany News in the mid-’90s—absolute bullshit. (At public universities, it’s also illegal.) First, and most obviously, this is **because a free student press is a hallmark of the American higher education system, and any threat to that freedom is on its face worrying**. But there’s also this: **The last thing we need right now**, in the creeping shadow of American authoritarianism, is an entire generation of fledgling journalists **who’ve come up thinking censorship is acceptable**

#### Additionally, their Calleros evidence under reverse enforcement uses an example of a newspaper and student journalism as support, which means the PIC definitely competes.

a militant African-American student, Ashahed Triche, expressed his more radical views on race relations in a regular column of the campus newspaper, regularly offending white readers

#### This is key to prevent outing of survivor’s identities.

NAESV 17 National Alliance to End Sexual Violence. “Naming Victims in the Media” 2017. SA-IB 1/14/17

Some people argue that journalists should identify [survivors] ~~victims~~ of rape or sexual assault in news stories because they should be treated like any other crime victims. This position ignores important and unique aspects of the crimes of rape and sexual assault. Although rape and sexual assault occur at an alarming rate in our society, the vast majority of these crimes remain unreported. ~~Victims~~ [Survivors] remain silent because they fear being subjected to the intense public scrutiny and blame that often follow being named in the media. Our culture continues to condemn the [survivor] ~~victim~~ for rape and, as a result, an extraordinary amount of shame and silence follow the crime. Publicizing the name of a rape complainant under these conditions only deters more [survivors] ~~victims~~ from coming forward. As a result, the NAESV urges members of the news media to adopt the following policy on publishing the names of persons who come forward with a change of rape or sexual assault. It is the policy of this news organization not to publish the names of minors who come forward with allegations of sexual abuse or rape and to avoid reporting stories in such a way that these minors are identifiable. Barring extraordinary circumstances, it is also the policy of this news organization not to publish the names of adults who come forward with allegations of sexual abuse or rape unless those individuals are willing to be named in the media. Members of this news organization will report these stories with sensitivity toward the stigma associated with being publicly named.

#### Controlling dissemination of one’s own information is a right under the will.

Judith DeCew 15 and Edward N. Zalta. “Privacy” The Stanford Encyclopedia of Philosophy. Spring 2015 Edition. https://plato.stanford.edu/archives/spr2015/entries/privacy/ SA-IB

A more common view has been to argue that privacy and intimacy are deeply related. On one account, privacy is valuable because intimacy would be impossible without it (Fried, 1970; Gerety 1977; Gerstein, 1978; Cohen, 2002). Fried, for example, defines privacy narrowly as control over information about oneself. He extends this definition, however, arguing that privacy has intrinsic value, and is necessarily related to and fundamental for one's development as an individual with a moral and social personality able to form intimate relationships involving respect, love, friendship and trust. Privacy is valuable because it allows one control over information about oneself, which allows one to maintain varying degrees of intimacy. Indeed, love, friendship and trust are only possible if persons enjoy privacy and accord it to each other. Privacy is essential for such relationships on Fried's view, and this helps explain why a threat to privacy is a threat to our very integrity as persons. By characterizing privacy as a necessary context for love, friendship and trust, Fried is basing his account on a moral conception of persons and their personalities, on a Kantian notion of the person with basic rights and the need to define and pursue one's own values free from the impingement of others. Privacy allows one the freedom to define one's relations with others and to define oneself. In this way, privacy is also closely connected with respect and self respect. Gerstein (1978) argues as well that privacy is necessary for intimacy, and intimacy in communication and interpersonal relationships is required for us to fully experience our lives. Intimacy without intrusion or observation is required for us to have experiences with spontaneity and without shame. Shoeman (1984) endorses these views and stresses that privacy provides a way to control intimate information about oneself and that has many other benefits, not only for relationships with others, but also for the development of one's personality and inner self. Julie Inness (1992) has identified intimacy as the defining feature of intrusions properly called privacy invasions. Inness argues that intimacy is based not on behavior, but on motivation. Inness believes that intimate information or activity is that which draws its meaning from love, liking, or care. It is privacy that protects one's ability to retain intimate information and activity so that one can fulfill one's needs of loving and caring.

## 3

#### Most campuses restrict guns on campus right now.

AC 16 Armed Campuses. “Guns on Campus’ Laws for Public Colleges and Universities” 2016. http://www.armedcampuses.org

The overwhelming majority of the 4,400 colleges and universities in the United States prohibit the carrying of firearms on their campuses. These gun-free policies have helped to make our post-secondary education institutions some of the safest places in the country. For example, a 2001 U.S. Department of Education study found that the overall homicide rate at post-secondary education institutions was 0.07 per 100,000 students in 1999.1 By comparison, the criminal homicide rate in the United States as a whole was 5.7 per 100,000 persons overall in 1999, and 14.1 per 100,000 for persons ages 17 to 29. A Department of Justice study found that 93% of violent crimes that victimize college students occur off campus.2

#### Guns are protected as symbolic speech.

Blanchfield 14 Patrick ~Freelance Writer; PhD in Comparative Literature, Emory University~. "What do Guns Say?" The New York Times. 04 May 2014. https://opinionator.blogs.nytimes.com/2014/05/04/what-do-guns-say/.

Bunkerville is simply the next step in a trend that has been ramping up for some time. Since the election of Barack Obama, guns have appeared in the public square in a way unprecedented since the turbulent 1960s and ’70s — carried alongside signs and on their own since before the Tea Party elections, in a growing phenomenon of “open carry” rallies organized by groups like the Modern American Revolution and OpenCarry.org, and in the efforts by gun rights activists to carry assault weapons into the Capitol buildings in New Mexico and Texas (links to video). According to open carry advocates, their presence in public space represents more than just an expression of their Second Amendment rights, it’s a statement, an “educational,” communicative act — in short, an exercise of their First Amendment freedom of speech. (See this, from the group Ohio Carry, and this Michigan lawsuit.) This claim bears serious consideration. The First Amendment has historically been much harder to limit than the Second, and so extending the freedom of speech to the open display of weapons raises several urgent questions about how we understand the relationship between expressing ideas and making threats, between what furthers dialogue and what ends it. But are guns speech? Is carrying a weapon as an act of public protest constitutionally protected under the First Amendment? And if so, what do guns say? The courts have traditionally recognized “symbolic speech” — actions that convey a clear message — as deserving of First Amendment protection (by, for example, protecting the right of students in Des Moines to wear armbands protesting the Vietnam War). As “the expression of an idea through an activity,” symbolic speech depends heavily on the context within which it occurs. Unlike pure speech, symbolic speech is more susceptible to limitation, as articulated by the Warren court’s 1968 ruling in United States v. O’Brien. The outcome of that case, the O’Brien test, establishes a four-pronged series of qualifications for determining when symbolic speech can be limited: (1) Any limitation must be within the state’s constitutional powers; (2) the limitation must be driven by a compelling governmental interest; (3) that countervailing interest must be unrelated to the content of the speech, touching solely on the “non-communicative aspect” of the act in question; and (4) any limitation must be narrowly tailored and prohibit no more speech than absolutely necessary. In practical terms, this litmus test suggests that you can carry a gun as symbolic speech, particularly in the context of a pro-Second Amendment demonstration. The state’s clear interest in maintaining public order can be narrowly satisfied by demanding that protesters either carry guns that are unloaded — at least with an open chamber — or which otherwise have the barrel or action blocked. Thus far, open carry protesters have largely followed this rule, notably by sticking tiny American flags into their guns. “If the SWAT team comes down and starts surrounding us with tactical gear, it only takes a minute to pull them out,” the organizer of one such event told reporters. “But that’s not going to happen.”

#### Gun bans on campus solve suicide and accidental deaths.

DeFillipis 14 Evan, graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others. “Campus Gun Control Works- Why Guns and Schools Do Not Mix” Jun 07, 2014. https://www.armedwithreason.com/campus-gun-control-works-why-guns-and-schools-do-not-mix/ SA-IB

Accidents Happen Even without the presence of alcohol, accidents happen much more often than gun advocates would like to admit. And when accidents happen with guns, they are often deadly. Individuals in households with firearms, for example, are four times more likely to die of accidental death than those in households without firearms. The NRA supports bills that permit guns to be carried in vehicles on school grounds, arguing that firearm owners should not be punished for accidentally leaving a gun in their car. Curiously, there seems to be little concern for what happens if the same careless owner accidentally forgets to lock his car, accidentally fails to put the safety on, or accidently pulls the trigger, ad infinitum. It seems clear that there are many more ways to accidentally go wrong with a gun than there are ways to go right, and this is especially true in a densely populated, anxiety-ridden, alcohol-saturated, hormone-fueled school environment.Guns and Suicide While suicide is the second leading cause of death among college students, the rate of about 6.5 to 7.5 per 100,000 is roughly half that of a matched non-student population. The difference in suicide rates between student and non-student populations is explained almost completely by the reduced access to firearms on college campuses. Consider that suicides committed with firearms represent only five percent of suicide attempts but more than half of suicide fatalities. About 1,100 college students commit suicide each year, and another 24,000 attempt to do so. Given that suicide attempts with a firearm are successful 90 percent of the time, each one of these more than 25,000 attempts would almost certainly result in death if carried out with a firearm. The best studies to date show that the majority of suicides are impulsive, with little deliberation prior to the act. We also know that youths between the ages of eighteen and twenty-five experience the highest rates of mental illness in the general population. These factors, combined with high rates of alcohol and drug abuse, provide a compelling reason to believe that the nation’s suicide rate will increase if firearms are allowed on college campuses.

#### Outweighs – it actually solves death, whereas the aff impact is just sometimes people don’t get to speak

## 4

#### Safe spaces are being developed on campuses now.

Kenney 16 Tanasia. “California University Grants Black Students a ‘Safe Space’ with ‘Blacks-Only’ Campus Housing” Atlanta Black Star. September 07, 2016. SA-IB

California State University Los Angeles is the latest in a string of public universities to offer campus housing exclusively for African-American students. The move to establish a “Blacks-only” co-ed housing area comes just nine months after CSLA’s Black Student Union hit university officials with a list of demands regarding campus diversity and student inclusion. Among their requests was the creation of housing specifically delegated for African-American students. The housing would act as a “safe space” for Black students seeking refuge from the overt racism and “microagressions” spouted by their white peers. “WE DEMAND the creation and financial support of a CSLA housing space delegated for Black students and a full time Resident Director who can cater to the needs of Black students,” read one of the union’s demands. “A CSLA housing space delegated for Black students would provide a cheaper alternative housing solution for Black students. This space would also serve as a safe space for Black CSLA students to congregate, connect, and learn from each other.”

#### The aff removes them.

Mikelionis 17 Lukas. “4 US States Consider Free Speech Laws To Fight Censorship and ‘Safe Spaces’ On Campus” February 08, 2017. SA-IB

Four US states are considering legislation that would ensure free speech on college campuses and prohibit universities from shielding people from offensive and controversial ideas. Most states were put on alert after the eruption of violence at the University of California, Berkeley, where Milo Yiannopoulos was scheduled to give a speech. His event was cancelled over safety fears. President Trump has put the issue of free speech on campus in the spotlight after he threatened to withdraw federal funds from universities that don’t honor the First Amendment rights. Virginia Earlier this week, the Virginia’s House of Delegates passed bill HB1301 aimed at protecting freedom of speech on campus. The bill reaffirms that public colleges and universities in the state are covered by the First Amendment. The full text of the law reads: “Except as otherwise permitted by the First Amendment to the Constitution, no public institution of higher education shall abridge the freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.” House Democratic leader David Toscano celebrated the bill, saying: “Any time we have the chance to support the First Amendment we should do that.” “It’s a good idea to celebrate the First Amendment. We want our campuses to be noisy, we want people to debate things,” he added. Colorado In Colorado, the Senate Education Committee approved a bill defending the constitutionally granted rights of Colorado students. The bill would prohibit government funded colleges from restricting students’ First Amendment rights to free speech in any way. According to the draft of the bill, free speech includes speaking, distributing materials, or holding a sign. The bill also requires converting existing so-called “free speech zones”—a campus phenomena where only at certain places students are able to exercise free speech—into monuments or memorials. “Free speech zones are counterintuitive to our core values, we should never falter in our defense of our constitutional rights or confine a free exchange of ideas,” explained Senator Tim Neville, who introduced the bill. “Students on Colorado campuses are growing into the leaders of tomorrow, and restricting their fundamental rights as they seek out truth and knowledge is contrary to the American spirit as well as the mission of universities,” he added. North Dakota North Dakota is also considering a bill to fight the onslaught of “safe spaces” and ensure the Constitution that guarantees free speech is protected in the state’s public universities. Republican State Rep. Rick Becker sponsor of House Bill 1329, said the proposed legislation is a response to an “attitude that free speech is not free speech” at universities, where free expression is stifled by university policy. “There is an atmosphere of political correctness and social justice that will lead to safe spaces and this whole concept on every campus,” he said. “We have to put a stop to it now.” The bill would “confirm free speech as a fundamental right” and demand the governing body of the North Dakota University System to a ratify a policy of free speech.

#### You definitely link – white people aren’t allowed to speak in safe spaces.

#### Safe spaces are key to the aff – they provide healing spaces for people of color.

Pickett 16 RaeAnn, senior director of communications and public Affairs at the National Latina Institute for Reproductive Health and a Ms. Foundation Public Voices Fellows. “Trigger Warnings and Safe Spaces Are Necessary” August 31, 2016. SA-IB

The decision doesn't take students wants or needs into account. As the National Coalition Against Censorship notes: “In many cases, the request for trigger warnings comes from students themselves.” And safe spaces can have powerful therapeutic purposes for those who enter them. In fact, the university's new policy does the exact opposite of what it is purported to do: instead of fostering academic freedom, it could foster mistrust and negatively affect survivors of trauma, including people of color. If students cannot trust that spaces they enter are going to keep them safe, they are less able to feel secure enough to learn. Safe spaces and trigger warnings can help support [survivors] victims of assault, PTSD and violence. Organizations like Slut Walk and Take Back The Night have made great strides in ending stigma for sexual assault survivors and have called for increasing trigger warnings for sensitive content. A lack of safe spaces can also compound the mental toll of racism, even subtle racism. Past experience with bullying plays a role here: Of the 160,000 children bullied every day, 31% are multiracial, according to Clemson University’s “Status of Bullying in School” 2013 report. Racial bullying often goes unnoticed or unreported due to how teachers perceive interethnic relationships. Psychologist Morris Rosenberg found that African-Americans showed surprisingly high rates of self-esteem when they compared themselves with other African-Americans, but when they compared themselves to white peers, self-esteem levels dropped. Safe spaces can help minorities feel empowered to speak up. Some may say a commitment to free speech, by any means necessary, does more to foster a positive academic setting than safe spaces and trigger warnings. But the bigger question is: whose speech is being protected by these policies? They certainly don’t always foster a healthy relationship with students of color or survivors of trauma or those who live at the intersection of both. Sitting in the dark holding my newborn and struggling with undiagnosed postpartum depression, anxiety and obsessive-compulsive disorder were some of the darkest days of my life. But because of ratings systems on movies and descriptions on the TV guide, I was able to take small steps every day to commit to keeping myself mentally healthy. The pressure of living up to the stereotype of a proud, wise, confident Latina mother kept me from seeking help for a long time. But when my first postpartum depression support group facilitator said in a hushed, happy voice that this was a safe space, I felt the weight slowly start to lift from my chest. All the pent-up anxiety I had felt was dissapating—just by knowing that the physical place I chose to be in was filled with people who understood me and could help me find the tools to get well. Being able to make informed decisions about which spaces students chose to enter and not enter is critical in helping them stay well and take control over the information they decide to receive and how to receive it. A critical phase of healing involves reclaiming power and control in positive ways.

## Case

### Framework

#### Kant is key to solve issues of institutional racism –

#### omitted

### Contention

#### omitted